

After a careful review of this matter, the court is in complete agreement with the magistrate judge's conclusion that plaintiff's motion for judgment on the pleading be denied and the Commissioner's motion for summary judgment be granted. Accordingly, the court **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's

motion for judgment on the pleadings [Doc. 11] is **DENIED**; the defendant Commissioner's motion for summary judgment [Doc. 15] is **GRANTED**, and this action is **DISMISSED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge